

Hand-waving as renegotiation: The UK's (and EU's) limited options

By Democratic Audit

*David Cameron has committed a future majority Conservative Government to a renegotiation of the terms of British membership of the European Union, followed by an in/out referendum. While much has been made of the political implications of a British exit, less attention has been paid to the substance of what a renegotiated settlement might amount to. **Dr Simon Usherwood** of the University of Surrey argues that options for meaningful 'repatriations' are limited, and that it is likely that any renegotiation will be more symbol than substance.*

In the long history of UK-EU relations, the idea of 'fairness' is one that has had a prominent position. Both in its lay form – 'it's not fair that we have to do this' – and its more refined presentation as equity – 'we do not feel that there is a properly balanced relationship' – the sense of unfairness characterises much of British debate on membership.

This is important to keep in mind when looking at the current debate about renegotiation. Since David Cameron's much-trailed [speech](#) in January, this has been the

Conservative party's formal position: to renegotiate terms of membership and then to submit them to a referendum. I've talked [elsewhere](#) about the second part of this, so here I'd like to focus on the first part, what it might include and what consequences it might have.

Renegotiation is, of course, a cipher, in that what one might want to change or repatriate is a reflection of one's view of European integration and Britain's role therein. This is most visible on the sceptic side of the debate, where the typical desire is to step back from more or less everything that isn't about free trade, and if that doesn't work, then leave the EU altogether and set up some new trading arrangement. The Tory Fresh Start Group has gone down this line, with its extensive [list](#) of what could and should be changed.

However, it would be hard for a government of any political complexion to go into a renegotiation in a willy-nilly fashion, given the range and complexity of what might be involved. For that reason, the on-going [Review of the Balance of Competences](#) is a vital part of the puzzle.

Started in July 2012, the Review per se is an audit of what the EU does, a mapping exercise without judgement. Its reports – which [began](#) this summer, continuing until late 2014 – provide a sense of what the situation is and how it works.

Naturally, those reports have been seized upon by all involved to highlight why their case is right, be that pro- or anti-EU. Indeed, one might argue that this was the intention of the Review, even if the FCO has been studious in standing back from any value judgments in its oversight of the project.



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Until that Review is concluded, it is difficult to know whether they will lead to a renegotiation package, but we can already make some informed guesses.

Firstly, despite some grumbles around the edges, those policy areas that have reported to date seem to paint a picture of a broadly appropriate balance of competences. At one level, this should be no surprise: the EU is a negotiated system, grounded in super-majority voting, so the general package is likely to be a fair, but not perfect, fit. At a second level, it also reflects the scale of socialisation and normalisation that has taken place over the 40 years of British membership: whatever the political debate, 'Europe' is real and present and has to be adjusted to and worked with.

Secondly, the Review has highlighted the deeply intertwined nature of the wider international system. To take one example, the health report [noted](#) that in many areas the EU is effectively a local operating arm of the World Health Organisation: even if the UK withdrew from the former, it would still be bound by the latter. As such, any renegotiation would have to take account of that wider system.

Thirdly, the Review should remind us of the distinction between bureaucratic politics and public debate. As a technical exercise, the latter does not really enter the equation. Therefore, a government will find itself having to manage a wide range of interests and voices, all demanding different things.

Where does this lead? All of this points to a very constrained set of renegotiation points. Quite aside from the Review, it is important to remember that the UK already has chosen not to be part of either the Eurozone nor the Schengen zone, each of which represent very substantial parts of Union activity, and which would have been logical places to focus attention.

What could be renegotiated can be split into the substantive and the symbolic. In the former category would be some generic (and non-UK specific) process for limiting further integration and for limiting the effect of policy decisions on states that have opted out of that policy area. Here we might be talking about social policy or justice and home affairs, as well as financial services.

On the more symbolic side, there might be the [Working Time Directive](#) or the de-standardisation of passport covers; the sorts of things that might clear the hearts of the [Daily Express](#). In the public debate, such things might have more impact, at relatively low cost. These might be the proverbial bones that are thrown. Put together, none of this is very substantial.

Notwithstanding the recent comments of [Angela Merkel](#) on reform, it is clear that there is no scope for a wholesale reform of the Union. The drawn-out process begun at Laeken in 2001 and only concluded with the 2009 Lisbon Treaty only producing relatively minor changes in the end and no member state would wish to repeat the experience for the foreseeable future.

What appetite for reform that does exist rests mainly on Eurozone governance, in which the UK is necessarily a marginal voice. Again, this suggests that the scope of what might be possible will be less rather than more.

David Phinnemore presented an interesting [paper](#) at UACES recently on how the EU might see renegotiation. He noted that the Union has been very consistent in its dealings with non-member states, which in turn are likely to limit what it will accept for the UK. This includes preserving the integrity of the *acquis* and of the institutional decision-making process, both of which make a semi-membership option potentially un-viable.

Of course, much of this will boil down to two key questions. Firstly, what will the UK ask for? Secondly, how much will other member states want to accommodate the UK? We have already talked about the first question and the constraints on both supply and demand sides. On the latter, this will come down partly to the state of contemporary political relationships with key players and partly on the degree of self-interest that states display.

David Cameron has perhaps belatedly to consider that a positive working relationship with counterparts might be a good thing to do, but this is very much a work in progress. Moreover, it is hampered by states wondering if there is any value in getting close with the UK, if it is on a trajectory to exit.

Likewise, many states are having their own debates about changing the Union, and any British renegotiation would become a general renegotiation, as everyone sought to get something out of it. That tendency might further incline those involved to keep things small and symbolic.

For those with long memories, we have been here before with the 1974-5 British renegotiation. From a position of deep scepticism, that concluded with [some concessions](#) on food imports from the Commonwealth and a limited package on financing.

Then, as now, it would not be unreasonable to conclude that any renegotiation (if it comes to that) will be more symbolic than substantial – since it cannot practically be more than that under the current constraints – and that more will be made of it than it probably warrants.

Note: This post represents the views of the author and not those of Democratic Audit or the LSE. Please read our comments policy before posting.

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